

## REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-7, 10-11, 13-17, 19-24, 40, 42-48, are pending. Claims 8-9, 12, 18, 25-39, 41, 49-50, and 52-54 have been cancelled.

New claim 55 is added to claim a vehicle including, among other features, center and end bumper members and a mechanism supporting at least one end bumper member, the mechanism allowing translational movement of at least one end bumper member with respect to the center bumper part along a portion of a path of travel allowed by the mechanism and wherein the substantially translational movement of the at least one end bumper member separates the at least one end bumper member from the center bumper member and allowing rotational movement of the at least one end bumper member relative to the center bumper member displacing the side portion of the at least one end bumper member.

Support for claim 55 is found in the specification at page 9, line 11 to page 10, line 4. The art does not disclose or suggest an end bumper member having a side portion that extends along a side of a vehicle that can be translated and rotated to be displaced from the side portion of the vehicle. As explained in the specification at page 10, lines 2-4, this facilitates repair or maintenance work on the vehicle. Claim 55 is submitted to be allowable.

Claims 28, 36 and 54 were objected to by the Examiner, but have been cancelled.

Claim 45, which was rejected under 35 USC § 112, has been amended to clarify that the first bumper member is intended.

Claim 1 has been amended to clarify that the subject matter of the invention is directed to a bumper member and not an auxiliary device mounted to a bumper. Accordingly, claim 1 recites a center bumper member and first and second end bumper members, with at least one end bumper member being translatable and rotatable relative to the center bumper member. Support for the center bumper member is found in the specification at page 8, line 3. Support for first and second end bumper members

is found at page 10, lines 5-22. Claim 6 has been amended to recite both end bumper members being movable, which finds support at page 10, lines 5-22.

Claims 2-5 have been amended for consistency with claim 1.

Claim 7 has been amended to recite a center bumper member mounted at the front end of the vehicle, which finds support in the specification at page 10, lines 5-10. In addition, claim 7 recites the bumper member as comprising a front portion extending laterally from the center bumper element and a side portion extending along a side of the vehicle. Support for this amendment is found in the specification at page 11, lines 5-15 and in Figures 3 and 9. Claim 7 also recites the mechanism being able to separate the bumper member from the center bumper element, the mechanism further allowing rotation of the bumper member relative to the center bumper element. Support for this amendment is found at page 9, line 11 to page 10, line 4.

Claims 10-11, 13-17, and 19-24 have been amended for consistency with claim 7.

Pending claims 1-6, 40, 42-48 and 51 stand rejected under 35 USC § 102(b) as being anticipated by US Patent No. 4,746,263 to Cook. The Cook patent discloses a crane hoist stored in a vehicle bumper area. The hoist 16 rests on a horizontal flange 18 which extends across the width of the truck, and consists of a mast 20, a boom 22 that can extend telescopically from the mast, and a winch head 24 mounted on the boom. The mast is pivotally mounted to the flange. From the stored position, the boom can be extended from the mast, which moves the boom and winch laterally relative to the vehicle. The winch and boom can rotate on the boom's long axis. The whole assembly can then pivot upward to a position where the winch can lift articles for placement in the truck bed.

Cook does not describe the hoist or any part of the hoist as a bumper or performing the function of a bumper or a bumper member. A bumper is defined Merriam-Webster's 11<sup>th</sup> Collegiate Dictionary as "a device for absorbing shock or preventing damage (as in a collision), specifically: a bar at either end of an automobile." This is consistent with the definition of a bumper in Class 293, subclass 102 as a device "having an impact member comprising bars, plates, or other barrier structure attached to the vehicle body, frame, or other parts for the purpose of fending off blows from other

vehicles or objects." This definition does not apply to Cook hoist device. The Cook patent is classified under subclass 117 as a device combined with a bumper, that is, not a bumper itself. What appears to function as a bumper is the flange 18, which can be seen more clearly in Figure 7, which extends the full width of the vehicle and cannot be said to be a center bumper member. The flange has no end parts and is not movable. As a preliminary matter, then, Cook does not disclose a bumper as claimed, and is incorrectly cited against the present claims.

More specifically, the subject matter of the claims is not found in the Cook patent.

Claim 1 recites a bumper arrangement having a first end bumper member and a second end bumper member at opposite ends of a center bumper member and a mechanism allowing at least one end bumper member to translate and rotate relative to the center bumper member. This combination is not found in the Cook patent. Cook does not disclose a center bumper member and first and second end bumper members. Cook does not disclose end bumper members at opposite ends of a center bumper member. Nor does the Cook patent disclose a mechanism allowing an end bumper member to translate to be spaced from a center bumper member and rotate relative to the center bumper member.

Claim 1 is allowable for at least these reasons. Claims 2-6 depend from claim 1 and are allowable at least as depending from an allowable base claim.

Claim 3 recites a detachable connection connecting the center bumper member and the end bumper member. Cook shows the winch head having a latch to secure it to the flange 18. The flange is not a center bumper member. Thus, Cook does not disclose the subject matter of claim 3.

Claim 6 recites both end bumper members as being translatable and rotatable relative to the center bumper member. Cook does not disclose two end bumper members and cannot disclose to movable end bumper members. Claims 3 and 6 are allowable for these additional reasons.

Claim 40 recites a method of moving a first bumper member with respect to a second bumper member from a normal position to an open position for servicing a vehicle, comprising the steps of: translating the first bumper member with respect to the second bumper member along a path of travel that includes a linear portion allowed by

a mechanism that connects the first bumper member and a vehicle component, and rotating the first bumper member with respect to the second bumper member, wherein access is provided in the open position to at least one vehicle component behind the first bumper member in the normal position. The Cook patent does not disclose moving a bumper member to provide access to a vehicle component. Claim 40 is allowable over the Cook patent. Claims 42-48 and 51 are allowable as depending from an allowable base claim.

Claims 7, 10-11, 13-17, and 19-24 stand rejected under 35 USC § 103(a) as being unpatentable over the Cook patent. Claim 7 recites, among other features, a vehicle frame, a center bumper element fixedly mounted to the vehicle frame at a front end of the vehicle, a mechanism attached to the vehicle frame at the front end of the vehicle, and a bumper member connected to the vehicle frame at an end of the center bumper element by the mechanism, the bumper member comprising a front portion extending laterally from the center bumper element and a side portion extending along a side of the vehicle.

The Cook patent does not disclose or suggest a bumper member having a front portion extending laterally from a center bumper element and a side portion extending along a side of the vehicle. Moving the Cook hoist device from the rear bumper position to the front bumper position does not resolve this deficiency. Further, there is no suggestion to move the hoist from the rear of the truck in Cook as this would defeat the purpose of the hoist, which is to help load articles into the pickup bed. Claim 7 is allowable for at least these reasons.

Claims 10-11, 13-17, and 19-24 depend from claim 7 and are allowable at least for depending from an allowable base claim.

Claim 22 stands rejected under 35 USC § 103(a) as being unpatentable over the Cook patent. The Examiner points to the square profiled boom 22 as the first mechanism and a sleeve 76 as the second mechanism, and takes the position that it would have been obvious to make the boom arcuate to simplify manufacturing. This is contrary to the Cook disclosure however, and would complicate, rather than simplify, manufacture. The boom is stated to be square in cross-section to fit within and be supported by the pivot guide flanges 94. Cook allows that other polygonal shapes may

be employed, but does not mention circular or arcuate shapes. The reason is that the flanges and the square cross section of the boom are used to control pivoting movement of the boom in a single plane. Column 4, lines 14-24. Changing the shape of the boom to circular would require substantial changes to the structure supporting the boom in the extended position for pivoting movement. Further, the sleeve 76, which is in the interior of the mast, allows for the rotation of the boom relative to the mast when the boom is in an unsecured position but does not cooperate directly with the boom to allow such movement. Rather, the sleeve cooperates with elements of the mast. The suggestion posited by the Examiner is thus contrary to the disclosure of Cook, and the suggestion to change the shape of the boom to facilitate rotation or manufacture for rotation is lacking.

Claim 22 is allowable for this additional reason.

Claim 24 recites a pin extending from the first mechanism member and a slot defined in the second mechanism member, wherein movement of the pin in the slot defines a portion of an allowed path of travel. Cook does not disclose or suggest the subject matter of claim 24. The cited parts of the Cook hoist, the boom 22 and the sleeve 27 do not include a pin and slot arrangement. Claim 24 is allowable for this additional reason.

In view of the foregoing, Applicants respectfully submit that the pending claims are allowable over the cited art. Withdrawal of the rejection and allowance are respectfully requested.

The Examiner is invited to telephone the undersigned if there are any questions about this amendment or to resolve any outstanding issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Martin Farrell", written in a cursive style.

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